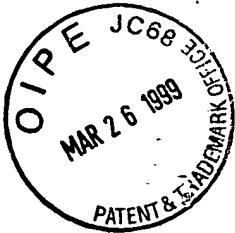


HOWREY & SIMON

March 26, 1999



Attorneys at Law
1299 Pennsylvania Ave., NW
Washington, DC 20004-2402
(202) 783-0800
FAX (202) 383-6610

SECTOR \$

Assistant Commissioner for Patents
Washington, DC 20231

Attention: Box Missing Parts

Re: U.S. Utility Application No. 09/199,129
Filed: November 24, 1998; Group Art Unit: 1636
For: Nucleic Acid Molecules and Other Molecules
Associated with Plants
Inventors: Joseph R. BYRUM *et al.*
Atty. Docket: 38-21(15075)B

Sir:

Transmitted herewith for appropriate action by the U.S. Patent and Trademark Office (PTO) are the following documents:

1. Response to Notice to File Missing Parts of Application (in duplicate);
2. Copy of the Notice to File Missing Parts of Application – Filing Date Granted;
3. Facsimile copy of Combined Declaration and Power of Attorney for Patent Application, executed by inventor Joseph R. Byrum (3 pages);
4. Original Combined Declaration and Power of Attorney for Patent Application, executed by inventor Thomas J. LaRosa (3 pages);
5. Marked-up copy of Filing Receipt showing correction;
6. Copy of Form PTO/SB/05 filed November 24, 1998;
7. Copy of Form PTO-1082 filed November 24, 1998;
8. Howrey & Simon Check No. 307374 for \$1,046.00 to cover the filing fee, fee for excess claims, and surcharge for late filing of Declaration; and
9. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 08-3038. A duplicate copy of this letter is enclosed.

Sincerely,


David R. Marsh (Reg. No. 41,408)
Erik B. Milch (Reg. No. 42,887)

Enclosures

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Joseph R. BYRUM *et al.*

Appln. No.: 09/199,129

Filed: November 24, 1998

For: Nucleic Acid Molecules and Other
Molecules Associated with Plants



Art Unit: 1636

Examiner: To Be Assigned

Atty. Docket: 38-21(15075)B

Response to Notice to File Missing Parts of Application

Box Missing Parts
Assistant Commissioner for Patents
Washington, DC 20231

Sir:

In response to the Notice to File Missing Parts of Application – Filing Date Granted dated January 26, 1999, Applicants submit the following documents for appropriate action by the U.S. Patent and Trademark Office:

1. Copy of the Notice to File Missing Parts of Application – Filing Date Granted;
2. Facsimile copy of Combined Declaration and Power of Attorney for Patent Application, executed by inventor Joseph R. Byrum (3 pages);
3. Original Combined Declaration and Power of Attorney for Patent Application, executed by inventor Thomas J. LaRosa (3 pages);
4. Marked-up copy of Filing Receipt showing corrections;
5. Return postcard; and
6. Howrey & Simon Check No. 307374 for \$ 1046.00 to cover:

\$ 760.00 Filing Fee for Patent Application (37 C.F.R. § 1.16);
\$ 156.00 Fee for excess claims (37 C.F.R. § 1.16); and
\$ 130.00 Surcharge for late filing of Declaration (37 C.F.R. § 1.16).

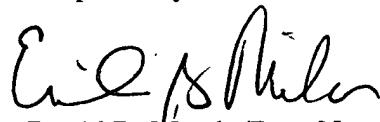
It is noted that the Filing Receipt received for the above-identified application contains an error made by the U.S. Patent and Trademark Office. Contrary to the indication on the Filing Receipt, this application does not qualify for small entity status and such status was not indicated in any of the papers filed with the application. It is recognized that a new Filing Receipt will be issued upon receipt of the executed Declaration, and it is respectfully requested that the status of this application be corrected to reflect large entity status. Enclosed are copies of the Filing

Receipt (with the correction marked in red), Form PTO/SB/05 filed with the application on November 24, 1998, and Form PTO-1082 filed with the application on November 24, 1998.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 08-3038. If extensions of time under 37 C.F.R. § 1.136 other than those otherwise provided for herewith are required to prevent abandonment of the present patent application, then such extensions of time are hereby petitioned, and any fees therefor are hereby authorized to be charged to our Deposit Account No. 08-3038. A duplicate copy of this Response is enclosed.

Respectfully submitted,



David R. Marsh (Reg. No. 41,408)
Erik B. Milch (Reg. No. 42,887)

Date: March 26, 1999

HOWREY & SIMON
Box No. 34
1299 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2402
(202) 783-0800

PTO-103X
(Rev. 8-95)

FILING RECEIPT



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
09/199,129	11/24/98	1636	\$0.00	38-2115075B	0	17	5

LAWRENCE M. LAVIN
MONSANTO COMPANY
700 CHESTERFIELD PARKWAY NORTH
BB4F
ST. LOUIS MO 63198



Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Application Processing Division's Customer Connection Branch within 10 days of receipt. Please provide a copy of the Filing Receipt with the changes noted thereon.

Applicant(s)

JOSEPH R. BYRUM; THOMAS J. LA ROSA.

CONTINUING DATA AS CLAIMED BY APPLICANT-
PROVISIONAL APPLICATION NO. 60/067,000 11/24/97

FOREIGN FILING LICENSE GRANTED 12/15/98
TITLE

~~* SMALL ENTITY *~~

NUCLEIC ACID MOLECULES AND OTHER MOLECULES ASSOCIATED WITH PLANTS

PRELIMINARY CLASS: 435

X G W
LML

DATA ENTRY BY: JONES, ANN

TEAM: 06 DATE: 12/15/98

Please type a plus sign (+) inside this box →

Approved for use through 09/30/00. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

UTILITY PATENT APPLICATION TRANSMITTAL <i>(Only for new nonprovisional applications under 37 CFR 1.53(h))</i>		Attorney Docket No. 38-21(15075)B
		First Named Inventor or Application Identifier Byrum
Title	Nucleic Acid Molecules And Other Molecules Associated With Plants	
Express Mail Label No. _____		

APPLICATION ELEMENTS <i>See MPEP chapter 600 concerning utility patent application contents</i>		Assistant Commissioner for Patents ADDRESS TO: Box Patent Application Washington, DC 20231
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1. <input checked="" type="checkbox"/> *Fee Transmittal Form (Form PTO-1082) <i>(Submit an original and a duplicate for fee processing)</i>	6. <input type="checkbox"/> Microfiche Computer Program (<i>Appendix</i>)	
2. <input checked="" type="checkbox"/> Specification <i>(preferred arrangement set forth below)</i>	7. Nucleotide and/or Amino Acid Sequence Submission <i>(if applicable, all necessary)</i>	
- Descriptive title of the Invention	a. <input checked="" type="checkbox"/> Computer Readable Copy	
- Cross References to Related Applications	b. <input checked="" type="checkbox"/> Paper Copy (identical to computer copy)	
- Statement Regarding Fed sponsored R&D	c. <input checked="" type="checkbox"/> Statement verifying identity of above copies	
Reference to Microfiche Appendix		
- Background of the Invention		
- Brief Summary of the Invention		
- Brief Description of the Drawings (if filed)		
Detailed Description		
- Claims		
- Abstract of the Disclosure		
3. <input type="checkbox"/> Drawing(s) (35 USC 113)	[Total Sheets <input type="text" value="1"/>]	8. <input type="checkbox"/> Assignment Papers (cover sheet & document(s))
4. Oath or Declaration	[Total Pages <input type="text" value="92"/>]	9. <input type="checkbox"/> 37 CFR 3.73(b) Statement <input type="checkbox"/> Power of Attorney <i>(when there is an assignee)</i>
a. <input type="checkbox"/> Newly executed (original or copy)		
b. <input type="checkbox"/> Copy from a prior application (37 CFR 1.63(d)) <i>(for continuation/divisional with Box 17 completed)</i>		
i. <input type="checkbox"/> DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).	10. <input type="checkbox"/> English Translation Document (<i>if applicable</i>)	
5. <input type="checkbox"/> Incorporation By Reference (<i>useable if Box 4b is checked</i>) The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.	11. <input checked="" type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input checked="" type="checkbox"/> Copies of IDS Citations	
	12. <input type="checkbox"/> Preliminary Amendment	
	13. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) (Two) <i>(should be specifically itemized)</i>	
	14. <input type="checkbox"/> *Small Entity Statement(s) <input type="checkbox"/> Statement filed in prior application, Status still proper and desired	
	15. <input type="checkbox"/> Certified Copy of Priority Document(s) <i>(if foreign priority is claimed)</i>	
	16. <input type="checkbox"/> Other: _____	

*NOTE FOR ITEMS 1 & 14: IN ORDER TO BE ENTITLED TO PAY SMALL ENTITY FEES, A SMALL ENTITY STATEMENT IS REQUIRED (37 C.F.R. § 1.27), EXCEPT IF ONE FILED IN A PRIOR APPLICATION IS RELIED UPON (37 C.F.R. § 1.28).

17. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:

Continuation Divisional Continuation-in-part (CIP)

of prior application No.: /

Prior Application Information: Examiner: _____

Group/Art Unit: _____

18. CORRESPONDENCE ADDRESS

<input type="checkbox"/> Customer Number or Bar Code Label <i>(Insert Customer No. or Attach bar code label here)</i>	<input checked="" type="checkbox"/> Correspondence address below	
NAME Lawrence M. Lavin, Jr. Monsanto Company		
ADDRESS 700 Chesterfield Parkway North, BB4F		
CITY St. Louis	STATE Missouri	ZIP CODE 63198
COUNTRY US	TELEPHONE (314) 737-6670	FAX (314) 737-6047
Name (Print/Type)	Lawrence M. Lavin, Jr.	Registration No. 30,768
Signature	Date Nov 24, 1998 by mail R. Marsh 41,408	

ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

Attorney Docket No. 38-21(15075)B

Sir:

Transmitted herewith for filing is the patent application of
Inventors: Joseph R. Byrum, *et al.*

For: Nucleic Acid Molecules And Other Molecules Associated With Plants

Also enclosed are:

- A 2003 page sequence listing;
- Sequence Listing CD-Rom
- Statement regarding sequence submission;
- An Information Disclosure Statement (IDS); and
- Form PTO-1449 (3 pages) with 8 accompanying documents

The filing fee has been calculated as shown below:

	(Col. 1)	(Col. 2)
FOR	NO. FILED	NO. EXTRA
BASIC FEE		
TOTAL CLAIMS	17 -20 =	* 0
INDEP. CLAIMS	5 -3 =	* 2
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENTED		

*If the difference in Col. 1 is less than zero, enter "0" in Col. 2

SMALL ENTITY	
RATE	FEES
	\$ 380.00
x 9 =	
x 39 =	
+ 130 =	
TOTAL	

OTHER THAN A SMALL ENTITY		
OR	RATE	FEES
OR		\$ 760.00
OR	x 18 =	
OR	x 78=	156.00
OR	+ 260 =	
OR	TOTAL	\$916.00

- Please charge my Deposit Account No. _____ in the amount of \$ _____. A duplicate copy of this sheet is attached.
- A check in the amount of \$ ____ to cover the basic filing fee is enclosed.
- The U.S. Patent and Trademark Office is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. _____. A duplicate copy of this sheet is attached.
 - Any additional filing fees required under 37 CFR 1.16.
 - Any patent application processing fees under 37 CFR 1.17.
- The U.S. Patent and Trademark Office is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. _____. A duplicate copy of this sheet is enclosed.
 - Any patent application processing fees under 37 CFR 1.17
 - The issue fee set in 37 CFR 1.18 at or before mailing of the Notice of Allowance, pursuant to 37 CFR 1.311(b).
 - Any filing fees under 37 CFR 1.16 for presentation of extra claims.

Date Nov 24, 98

Lawrence M. Lavin Jr.
Lawrence M. Lavin, Jr. (Reg. No. 30,768)

by
D. R. Marsh
Reg. No. 41,408